

Express Mail No.: ER 482491260 US

Practitioner's Docket No.: 12665DIV1

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: McGinniss et al.

Application No.: 10/600,901

Filed: 06/20/2003

For: Electroopic Compounds And Methods For Making

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**PETITION TO ACCORD FILING DATE  
FOR EXPRESS MAIL CORRESPONDENCE NOT RECEIVED BY P.T.O.  
(37 C.F.R. § 1.10(e))**

1. This is a petition to accord the correspondence in the above identified application a filing date of 6/20/2003, which is the date the correspondence was deposited with the U.S.P.S. with proper postage.
2. Submitted herewith is the statement of Klaus H. Wiesmann as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(e)(1).
3. The following attached papers are those required by 37 C.F.R. § 1.10(e)(3) for this petition:
  - A. A true copy of the first post card and express mailing label EU417945270US.
  - B. True copies of the originally deposited paper(s) or fee(s) excluding copies of the cited art.
  - C. A true copy of the second post card and express mail label EU417945310US.

D. True copies of the papers mailed with the second mailing: Transmittal Letter, Cover Sheet, Specification, Claims, Abstract, Drawing, Copies of formal filing papers from first mailing.

And also attached hereto, is a statement, signed by the person who deposited the documents as "Express Mail" with the U.S.P.S., setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

Reg. No.: 30,437

  
\_\_\_\_\_  
Signature of Practitioner

Telephone No.: 614-424-6589

Klaus H. Wiesmann  
Battelle Memorial Institute

Customer No: 24116

505 King Avenue  
Columbus, Ohio 43201-2693



Express Mail Label No. ER 482491260 US

PATENT

Attorney Docket No. 12665DIV1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: McGinniss, Vincent D. et al.

Serial No.: 10/600,901

Group No.: N/A

Filed: June 20, 2003

Examiner: N/A

For: ELECTROOPTIC COMPOUNDS AND METHODS FOR MAKING (as amended)

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**STATEMENT ACCOMPANYING PETITION TO ACCORD FILING DATE**

This statement is responsive to the NOTICE OF INCOMPLETE  
NONPROVISIONAL APPLICATION, mailed 9/25/2003.

I, Klaus H. Wiesmann, was the person submitting the specification that was  
apparently not received or misplaced at the patent office for the subject application.  
Two separate mailings were made on June 20, 2003 for the papers of this  
application.

A first mailing was made using Express Mail No. EU 417945270 US. This  
mailing was made by Judy Readman, on June 20, 2003. No postcard was ever  
received for this first mailing. True copies of the first Express Mail mailing label and  
first postcard as sent are included herewith.

Immediately after this first mailing it was noticed that the specification, claims  
and abstract had been inadvertently left out of the package. On the same day, June

20, 2003 a second mailing was made including the Cover Sheet, Specification, Claims, Abstract, Drawing, second Postcard and copies of formal papers from the first mailing using Express Mail No. EU 417945310 US. A postcard was received for this second mailing.

The second mailing was deposited by me, Klaus Wiesmann, with the US Post Office on June 20, 2003 at 8:45PM, as Express Mail. The Transmittal Letter, Cover Sheet, Specification, Claims, Abstract, Drawing, and second Postcard accompanying this STATEMENT are true copies of the papers originally sent with this second mailing. A true copy of the second Express Mail mailing label is enclosed.

If the office has any questions or suggestions for expediently resolving this matter, please call the undersigned attorney at the number given below.

Respectfully submitted,



Registration No. 30,437

Phone (614) 424-6589

Fax (614) 424-3864

Email wiesmann@battelle.org

Klaus H. Wiesmann  
BATTELLE MEMORIAL INSTITUTE  
505 King Avenue  
Columbus, Ohio 43201-2693  
November 17, 2003

Customer No. 24116



Commissioner for Patents  
Alexandria, VA 22313

12665DIV1  
EM #EU417945270US

Dear Sir:

Kindly acknowledge receipt of the following documents:

Patent Application Transmittal Form, Preliminary Amendment 1, Credit Card Payment Form PTO-1038; Information Disclosure Statement; IDS Forms PTO/SB/08A and PTO/SB/0B; Copies of Cited Material

Serial #: Unknown

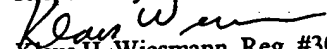
Filed: 06/20/2003

Inventors: McGinniss et al.

For: ELECTROOPIC COMPOUNDS AND METHODS FOR MAKING

by placing hereon your receiving date stamp and returning.

Respectfully submitted,

  
Klaus H. Wiesmann, Reg. #30,437  
June 20, 2003



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FROM: (PLEASE PRINT) Klaus H. Wiesmann Battelle Memorial Institute 505 King Avenue Columbus, Ohio 43201-2693	TO: (PLEASE PRINT) MS Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA
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## Preliminary Classification:

Proposed Class: 570

Subclass: 113 (from restriction requirement)

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. § 601, 7th ed.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of  
Inventor(s): McGinniss, Vincent; Risser, Steven

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): Electrooptic Compounds and Methods For Making  
(as amended herewith)

## EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date 6/20/2003, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 as "Express Mail Post Office to Addressee" Mailing

Label No. EU417945270US

Judy Readman

(type or print name of person mailing paper)

  
Signature of person certifying

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal [4-1]—page 1 of 15)

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- ☐ Original (nonprovisional)  
☐ Design  
☐ Plant

**WARNING:** Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

**WARNING:** Do not use this transmittal for the filing of a provisional application.

**NOTE:** If one of the following 3 items apply, then complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED** and a **NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION**.

- ☒ Divisional.  
☐ Continuation.  
☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

**NOTE:** "A nonprovisional application or international application designating the United States of America may claim an invention disclosed in one or more prior-filed copending nonprovisional applications or international applications designating the United States of America. In order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior-filed application must be:

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in § 1.51(b); or

(iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or

(iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.



**WARNING:** 37 C.F.R. § 1.78(a)(2) deals with the time in which the claim for the benefit of an earlier filing date must be made and states:

"(2)(i) Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).

(i) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed application. These time periods are not extendable. Except as provided in paragraph (a)(3) of this section, the failure to timely submit the reference required by 35 U.S.C. 120 and paragraph (a)(2)(i) of this section is considered a waiver of any benefit under 35 U.S.C. 120, 121, or 365(c) to such prior-filed application. The time periods in this paragraph do not apply if the later-filed application is:

(A) An application for a design patent;

(B) An application filed under 35 U.S.C. 111(a) before November 29, 2000; or

(C) A nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000.

(ii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence following the title.

(iv) The request for a continued prosecution application under § 1.53(d) is the specific reference required by 35 U.S.C. 120 to the prior-filed application. The identification of an application by application number under this section is the identification of every application assigned that application number necessary for a specific reference required by 35 U.S.C. 120 to every such application assigned that application number."

**NOTE:** If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.**

☐ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.**

**3. Papers Enclosed**

**A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application**

80 Pages of specification

28 Pages of claims

1 Sheets of drawing

**WARNING:** DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).

NOTE: "Identification of drawings. Identifying indicia, if provided, should include the title of the invention, inventor's name and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin."

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s).

NOTE: 37 C.F.R. 1.84

"(b) Photographs.

"(1) Black and white. Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (e.g., immunological, western, Southern, and northern), auto radiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

"(2) Color photographs. Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section."

- ☐ The enclosed drawing(s) are in color. Three (3) sets of color drawings and a "PETITION TO ACCEPT COLOR DRAWING(S)" are attached. 37 C.F.R. §§ 1.84(a)(2) and 1.84(b).

NOTE: 37 C.F.R. 1.84(a)

"(2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing; and

(iv) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

☒ formal

☐ informal

B. Other Papers Enclosed

\_\_\_\_ Pages of declaration and power of attorney

1 Pages of abstract

\_\_\_\_ Other

4. Additional papers enclosed

☒ Amendment to claims

☒ Cancel in this applications claims 1 - 36 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☒ Preliminary Amendment

☒ Information Disclosure Statement (37 C.F.R. § 1.98)

NOTE: 37 C.F.R. § 1.97 (b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

(3) Before the mailing of a first Office action on the merits; or

WARNING: In order to ensure consideration of information previously submitted but which has not been considered in the parent application, an applicant must resubmit the information, complying with 37 C.F.R. § 1.97 and 37 C.F.R. § 1.98, in the continuing application filed under 37 C.F.R. § 1.53(b). See § 6098(3), M.P.E.P., 7th Edition, Rev. 1.

☒ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

☐ Declaration of Biological Deposit.

☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

☐ Special Comments

☐ Other

5. Declaration or oath (including power of attorney)

NOTE: A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)-(3).

NOTE: A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name including family name and at least one given name, without abbreviation together with any other given name or initial, and the residence, post office address and country or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)-(4).

NOTE: "The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.62, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(f) is filed supplying or changing the name or names of the inventor or inventors." 37 C.F.R. § 1.41(a)(1).

☐ Enclosed

Executed by

(check all applicable boxes)

☐ Inventor(s).

☐ legal representative of inventor(s). 37 C.F.R. §§ 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.

☒ Not Enclosed.

**NOTE:** Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing **ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.**

☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).

☐ Showing that the filing is authorized.

(not required unless called into question. 37 C.F.R. § 1.41(d))

#### 6. Inventorship Statement

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

#### 7. Language

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 C.F.R. § 1.17(h) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. § 1.52(d).

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. Assignment

- ☐ An assignment of the invention to \_\_\_\_\_
- ☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
- ☐ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

- ☒ This is a ☐ continuation ☒ divisional application and the assignment document for the parent application 09/ 777,439 was filed on 07/05/2001.

Reel 011959

Frame 0435

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

- ☐ is (are) attached.
- ☐ will follow.

NOTE: 37 C.F.R. § 1.55 Claim for foreign priority.

(a) \*\*\*

(1)(i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. The time periods in this paragraph do not apply in an application under 35 U.S.C. 111(a) if the application is:

(A) A design application; or

(B) An application filed before November 29, 2000.

\*\*\*\*\*

(c) Unless such claim is accepted in accordance with the provisions of this paragraph, any claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) not presented within the time period provided by paragraph (a) of this section is considered to have been waived. If a claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) is presented after the time period provided by paragraph (a) of this section, the claim may be accepted if the claim identifying the prior foreign application by specifying its application number, country (or intellectual property authority), and the day, month, and year of its filing was unintentionally delayed. A petition to accept a delayed claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) must be accompanied by:

(1) The claim under 35 U.S.C. 119(a)-(d) or 365(a) and this section to the prior foreign application, unless previously submitted;

(2) The surcharge set forth in § 1.17(f); and

(3) A statement that the entire delay between the date the claim was due under paragraph (a)(1) of this section and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional."

NOTE: 37 C.F.R. § 1.63 Oath or declaration.

"(a) An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must: . . . .

(c) Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:

(2) Any foreign application for patent (or inventor's certificate) for which a claim for priority is made pursuant to § 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing."

The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. § 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. § 120 is itself entitled to priority from a prior foreign application, then complete Item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

#### 10. Fee Calculation (37 C.F.R. § 1.16)

A. ☒ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a)
			<del>\$740.00</del> 750.00
Total Claims (37 C.F.R. § 1.16(c))	6 - 20 = 0	x \$ 18.00	0
Independent Claims (37 C.F.R. § 1.16(b))	4 - 3 = 1	x \$ 84.00	84.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		+ \$280.00	

☒ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing Fee Calculation

\$ 834.00

- B. ☐ Design application  
(\$330.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation

\$ \_\_\_\_\_

- C. ☐ Plant application  
(\$510.00—37 C.F.R. § 1.16(g))

Filing fee calculation

\$ \_\_\_\_\_

# 11. Assertion of Small Entity Status

- ☐ Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27

NOTE: 37 C.F.R. § 1.27(c) deals with the assertion of small entity status, whether by a written specific declaration thereof or by payment as a small entity of the basic filing fee or the fee for the entry into the national phase and states:

"(c) Assertion of small entity status. Any party (person, small business concern or nonprofit organization) should make a determination, pursuant to paragraph (f) of this section, of entitlement to be accorded small entity status based on the definitions set forth in paragraph (a) of this section, and must, in order to establish small entity status for the purpose of paying small entity fees, actually make an assertion of entitlement to small entity status, in the manner set forth in paragraphs (c)(1) or (c)(3) of this section, in the application or patent in which such small entity fees are to be paid.

(1) Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

(i) Be clearly identifiable;

(ii) Be signed (see paragraph (c)(2) of this section); and

(iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement.

(2) Parties who can sign and file the written assertion. The written assertion can be signed by:

(i) One of the parties identified in § 1.33(b) (e.g., an attorney or agent registered with the Office), § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;

(ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or

(iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part.

(3) Assertion by payment of the small entity basic filing or basic national fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), (f), (g), (h), or (i), or one of the small entity basic national fees set forth in §§ 1.492(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.

(i) If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in § 1.16(e), or § 1.16(f).

(ii) The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent."

**WARNING:** 37 C.F.R. § 1.27(c)(4): "Assertion required in related, continuing, and reissue applications. Status as a small entity must be specifically established by an assertion in each related, continuing and reissue application in which status is appropriate and desired. Status as a small entity in one application or patent does not affect the status of any other application or patent, regardless of the relationship of the applications or patents. The refiling of an application under § 1.53 as a continuation, divisional, or continuation-in-part application (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application, requires a new assertion as to continued entitlement to small entity status for the continuing or reissue application."

**WARNING:** "Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P., § 509.03 (emphasis added).

(complete the following, if applicable)

- ☐ Status as a small entity was asserted in the prior application  
\_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit  
is being claimed for this application under:

35 U.S.C. § ☐ 119(e)  
☐ 120  
☐ 121  
☐ 365(c)

and which status as a small entity is still proper and asserted for this application.

- ☐ A copy of the written assertion of small entity filed in the prior application is included.

**NOTE:** A refund based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

Filing Fee Calculation (50% of A, B or C above)

\$ \_\_\_\_\_

**12. Request for International-Type Search (37 C.F.R. § 1.104(d))**

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.



13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee

\$ 834.00

☐ Recording assignment

(\$40.00; 37 C.F.R. § 1.21(h))

(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION".)

\$ \_\_\_\_\_

☐ Petition fee for filing by other than all the  
inventors or person on behalf of the inventor  
where inventor refused to sign or cannot be  
reached

(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))

\$ \_\_\_\_\_

☐ For processing an application with a  
specification in

a non-English language

(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))

\$ \_\_\_\_\_

☐ Processing and retention fee

(\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(i))

\$ \_\_\_\_\_

☐ Fee for international-type search report

(\$40.00; 37 C.F.R. § 1.21(e))

\$ \_\_\_\_\_

NOTE: 37 C.F.R. § 1.21(f) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(f) must be paid, within 1 year from notification under § 53(f).

Total fees enclosed

\$ 834.00

14. Method of Payment of Fees

☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_

☒ Authorization is hereby made to charge the amount of \$ 834.00

☐ to Deposit Account No. \_\_\_\_\_

☒ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## 15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

**WARNING:** Even though small entity status is accorded where the wrong type of small entity basic filing fee or basic national fee is selected but the exact amount of the fee is paid, applicant still needs to pay the correct small entity amount for the basic filing or basic national fee where selection of the wrong type of fee results in a deficiency. While an accompanying general authorization to charge any additional fees suffices to pay the balance due of the proper small entity basic filing or basic national fee, specific authorizations to charge fees under § 1.17 or extension of time fees do not suffice to pay any balance due of the proper small entity basic filing or basic national fee because they do not actually authorize payment of small entity amounts. *Changes To Implement the Patent Business Goals; Final Rule [Fed. Reg.: September 8, 2000, pages 54603-54683, at 54611; OG: October 3, 2000, pages 14-39].*

☒ The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. § 1.17 (application processing fees)

**NOTE:** "... A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Section 1.311(b) provides that an authorization to charge the issue fee (§ 1.18) to a deposit account may be filed in an individual application only after the mailing of the notice of allowance. Accordingly, general authorizations to pay fees and specific authorizations to pay the issue fee that are filed prior to the mailing of a notice of allowance will generally not be treated as requesting payment of the issue fee and will not be given effect to act as a reply to the notice of allowance. Applicant, when paying the issue fee, should submit a new authorization to charge fees, such as by completing box 6b on the current PTOL-85B form. Where no reply to the notice of allowance is received, the application will stand abandoned notwithstanding the presence of general authorizations to pay fees or a specific authorization to pay the issue fee that were submitted prior to mailing of the notice of allowance. Where an attempt is made to pay the issue fee but an incorrect amount is submitted, § 1.311(b)(1), or where the Office's issue fee transmittal form (currently PTOL-85(B)) is completed by applicant and submitted, § 1.311(b)(2), in reply to a notice of allowance, an exception will be made. Such submissions will operate as a request to charge the issue fee to any deposit account identified in a previously filed (i.e., submitted prior to the mailing of the notice of allowance) authorization to charge fees, and will be allowed to act as payment of the correct issue fee. § 1.311(b). See also the change to § 1.26(b). Notice of September 8, 2000, Fed. Reg. 54603-54683, at 54646 and 54647.

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . ." From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

NOTE: ". . . Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ Credit Account No. \_\_\_\_\_  
☒ Refund

Reg. No. 30,437

Tel. No. (614) 424-6589

Customer No. 24116

  
SIGNATURE OF PRACTITIONER

Klaus H. Wiesmann

(type or print name of attorney)

Battelle Memorial Institute  
505 King Avenue

P.O. Address

Columbus, Ohio 43201-2693

☐ Incorporation by reference of added pages

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

☒ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added 11

☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

☐ Statement Where No Further Pages Added

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

☐ This transmittal ends with this page.

Express Mail Label No. EU417945270US

PATENT

Attorney Docket No. 12665DIV1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: McGinniss, Vincent D. et al.

Serial No.: NA

Group No.: NA

Filed: June 20, 2003

Examiner: NA

For: ELECTROOPTIC COMPOUNDS AND METHODS FOR MAKING (as amended herewith)

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PRELIMINARY AMENDMENT 1**

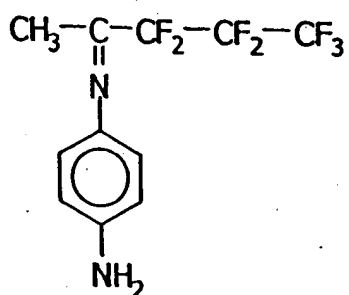
Please amend the application as follows, prior to calculating the fees for claims.

In accordance with the **REVISED AMENDMENT FORMAT** and waiver of 37 CFR § 121, as promulgated by order of Stephen Kunin, Deputy Commissioner for Patent Examination Policy, on January 31, 2003, the entire set of presently pending claims has been reproduced below in the approved revised amendment format. Any amendments to the specification and drawings have also been presented in the revised format. No separate marked-up copy of the amended claims or specification has been provided.

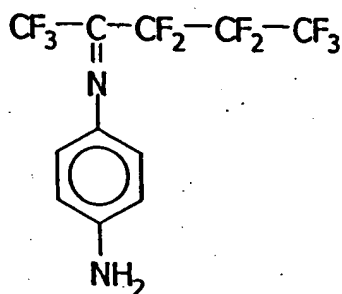
**In the Claims**

Claims 1-36. (Cancelled).

Claim 37. (Currently Amended) A compound comprising:



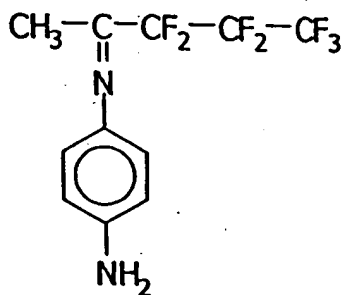
38. (Currently Amended) A compound comprising:



39. (New) A method for producing an electrooptic compound comprising:

A. mixing methylheptafluoropropylketone with an excess of paraphenylenediamine in toluene; and

B. reacting to produce said electrooptic compound

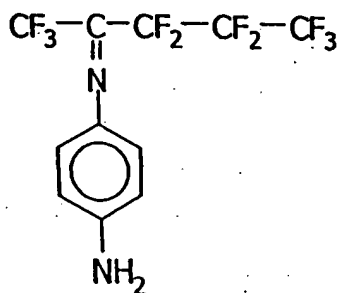


40. (New) The method according to claim 39, wherein said reacting comprises the thermal stripping of water.

41. (New) A method for producing an electrooptic compound comprising:

A. mixing perfluoro-2-heptanone with an excess of paraphenylenediamine in toluene; and

B. reacting to produce said electrooptic compound



41. (New) The method according to claim 41, wherein said reacting comprises the thermal stripping of water.



**In the Specification**

Page 1, line 1 amend the attorney docket number

Attorney Docket No. 12665DIV1 ~~Attorney Docket No. 12665~~

Page 1, line 4, in the title

ELECTROOPTIC COMPOUNDS AND METHODS FOR MAKING ~~FUNCTIONAL MATERIALS  
FOR USE IN OPTICAL SYSTEMS~~

Page 1, line 6 please insert the following paragraphs

This application is a divisional application of and claims the benefits of US Serial No. 09/777,439, filed February 6, 2001, presently pending.

The entire disclosure and content of US Serial No. 09/777,439 is hereby incorporated by reference as if completely rewritten herein.

Page 81, line 1 amend the attorney docket number

Attorney Docket No. 12665DIV1 ~~Attorney Docket No. 12665~~

Page 81, line 4, in the title

ELECTROOPTIC COMPOUNDS AND METHODS FOR MAKING ~~FUNCTIONAL MATERIALS  
FOR USE IN OPTICAL SYSTEMS~~

**ABSTRACT**

Page 109, line 1 amend the attorney docket number

Attorney Docket No. 12665DIV1 ~~Attorney Docket No. 12665~~

Page 109, line 4, in the title

ELECTROOPTIC COMPOUNDS AND METHODS FOR MAKING ~~FUNCTIONAL MATERIALS  
FOR USE IN OPTICAL SYSTEMS~~

## REMARKS

**1. Consideration and entry of the amendments in view of the remarks herein is respectfully requested.**

### **2. Restriction Requirement and Election**

In the parent application, the Examiner had requested restriction to one of three inventions under 35 USC 121. **Group I** for Claims 1-35 drawn to a functional optical material; **Group II** for Claim 36 drawn to a phosphonitrile polymer; **Group III** for Claims 37 and 38, drawn to organic compounds.

For the present application, Applicant hereby preliminarily elects **Group III** for Claims 37 and 38 for prosecution in the present application. Applicant requests that Claims 1-36 be cancelled without prejudice. Said claims are cancelled solely for the purpose of prosecuting the elected claims and bringing the present application to allowance and issuance. Applicant reserves the right to file divisional and continuation applications on any claims not elected and prosecuted in the present application.

### **3. Amended Claims**

Claims 37 and 38 have been amended by adding a period at the end of the claim (after the formula), to put the claims in proper format.

### **4. New Claims**

New Claims 39 through 41 are presented. Claims 39 to 40 are method claims for making the compounds of Claims 37 and 38.

Antecedent is found at page 69, line 6 through page 70, line 4.

Claims 39 and 40 are methods for making the compound of Claim 37 and are intended to follow that claim. Please refer to page 69, lines 6 through 14.

Claims 41 and 42 are methods for making the compound of Claim 38 and are intended to follow that claim. Please refer to page 69, line 6 through line 13, and page 70, line 1

through line 4.

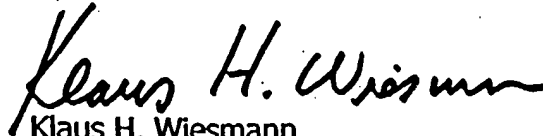
It is believed that no new matter is added by this amendment as the subject matter of the new claims has antecedent in the specification.

## 5. Inventorship

Applicant has reviewed the issue of inventorship for the claims remaining in the application and the new claims. This review has confirmed that the both of the two inventors, Vincent D. McGinniss and Steven M. Risser, are still the correct inventors for the remaining claims.

-----  
In view of the above amendments, and remarks it appears that the application is in condition for examination on the merits and favorable action thereon is requested. If the Examiner has some issues with the application, and has any suggestions as to how to address them, the Examiner is invited to call the Applicant's undersigned attorney at the phone number given below, so that those issues can be worked out.

Respectfully submitted,



Klaus H. Wiesmann  
BATTELLE MEMORIAL INSTITUTE  
505 King Avenue  
Columbus, Ohio 43201-2693  
June 20, 2003

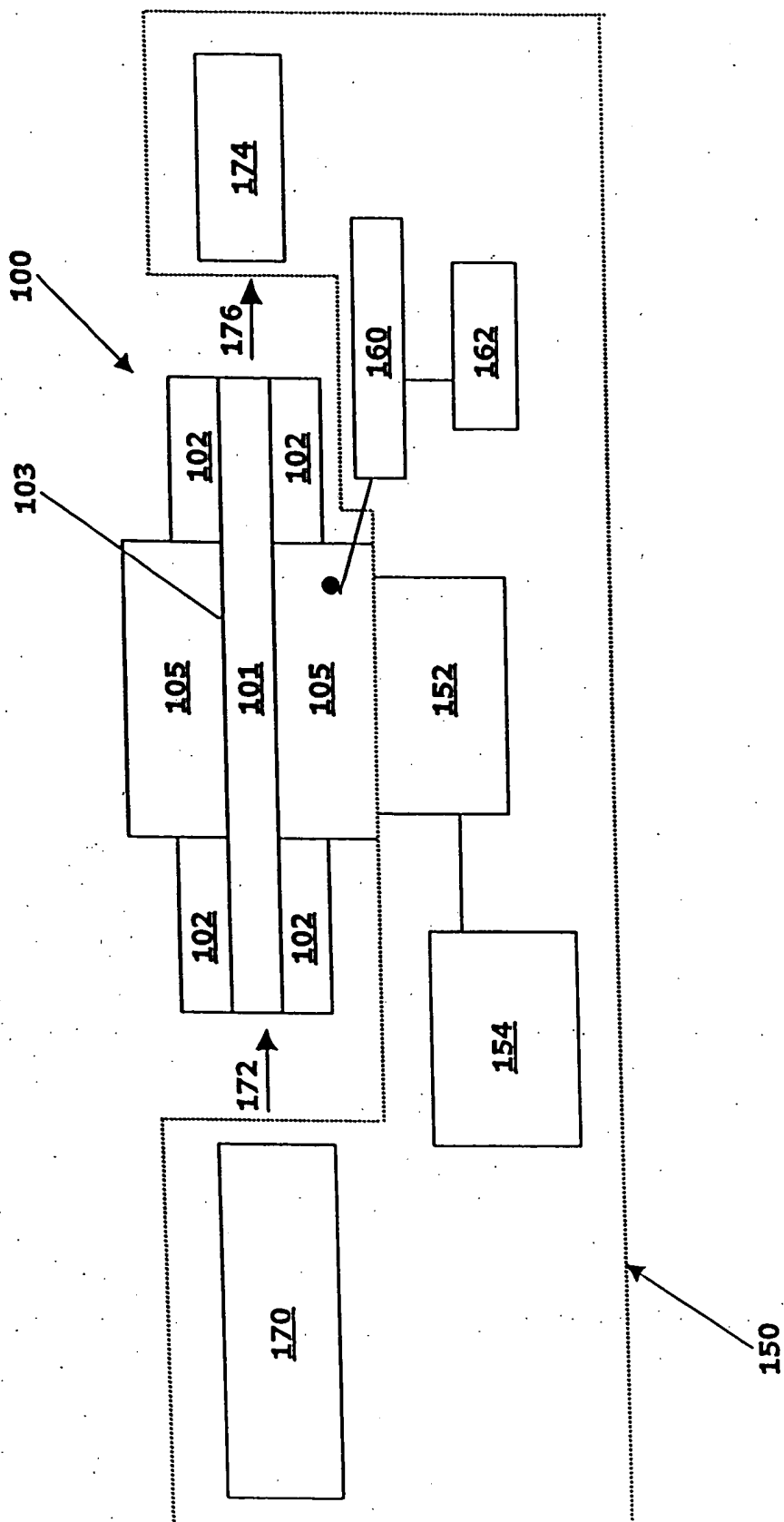
Registration No. 30,437

Phone (614) 424-6589

Fax (614) 424-3864

Email [wiesmann@battelle.org](mailto:wiesmann@battelle.org)

Customer No. 24116



Express Mail Label No. EU417945270US

PATENT

Attorney Docket No. 12665DIV1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: McGinniss, Vincent D. et al.

Serial No.: N/A

Group No.: N/A

Filed: Herewith

Examiner: N/A

For: ELECTROOPTIC COMPOUNDS AND METHODS FOR MAKING (as amended)

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

**1. Preliminary Statement**

Applicants submit herewith patents, publications, or other information, of which they are aware that they believe may be material, as defined in 37 CFR § 1.56(b), to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37CFR § 1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Information Disclosure Statement is not intended, pursuant to 37 CFR §1.97(h), to constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. Further, pursuant to 37 CFR §1.97(g), the filing of this Information Disclosure Statement should not be construed as a statement that a search has been made or that no other material information exists. The filing of this

information disclosure statement shall not be construed as an admission against interest in any manner.

2. Transmitted herewith and forming a part of this Information Disclosure Statement are forms PTO/SB/08A (one sheet) and form /08B (one sheet) on which are listed all cited items of information.

3. This statement is being provided at the time of filing. No fees for submission of this statement are anticipated.

The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

Respectfully submitted,



Registration No. 30,437

Phone (614) 424-6589

Fax (614) 424-3864

Email wiesmann@battelle.org

Customer No. 24116

Klaus H. Wiesmann  
BATTELLE MEMORIAL INSTITUTE  
505 King Avenue  
Columbus, Ohio 43201-2693  
June 20, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 2

**Complete if Known**

Application Number	
Filing Date	06/20/2003
First Named Inventor	McGinniss et al.
Art Unit	
Examiner Name	
Attorney Docket Number	12665DIV1

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	US- 4,198,349	04/15/1980	Nuss et al.	
	A2	US- 4,323,675	04/06/1982	Eckes et al.	
	A3	US- 4,666,819	05/19/1987	Elmasry	
	A4	US- 5,064,264	11/12/1991	Ducharme et al.	
	A5	US- 5,120,876	06/09/1992	Cheng et al.	
	A6	US- 5,521,271	05/28/1996	Smith et al.	
	A7	US- 5,776,374	07/07/1998	Newsham et al.	
	A8	US- 5,783,120	07/21/1998	Ouderkerk et al.	
	A9	US- 6,001,958	12/14/1999	Tapolsky et al.	
	A10	US- 6,067,186	05/23/2000	Dalton et al.	
	A11	US- 6,084,702	07/04/2000	Byker et al.	
	A12	US- 6,348,992 B1	02/19/2002	Zhang et al.	
	A13	US- 6,393,190 B1	05/21/2002	He et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	A14	JP 06025120 A1	02/1994	Ricoh KK		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Please type a plus sign (+) inside this box → +

PTO/SB/088 (10-96)  
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			Application Number	
			Filing Date	06/20/2003
			First Named Inventor	McGinniss et al.
			Group Art Unit	
			Examiner Name	
Sheet	2	of	2	Attorney Docket Number
				12665DIV1

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	B1	BOSC et al.; DESIGN AND SYNTHESIS OF LOW REFRACTIVE INDEX POLYMERS FOR MODULATION IN OPTICAL WAVEGUIDES; Optical Materials Volume 13; 1999; pp. 205-209	
	B2	CHOLLETT et al.; ELECTRO-OPTIC COEFFICIENT DETERMINATION IN STRATIFIED ORGANIZED MOLECULAR THIN FILMS: APPLICATION TO POLED POLYMERS; Thin Solid Films 242; 1994; pp. 132-138	
	B3	HOLM, ROY T.; KETIMINES AS LATENT EPOXY CURING AGENTS; Journal of Paint Technology; Volume 39, No. 509; June 1967; pp. 385-388	
	B4	INOUE, K.; FUNCTIONAL DENDRIMERS, HYPERBRANCHED AND STAR POLYMERS; Progress in Polymer Science; Volume 25, No. 4; May 2000; pp. 453-571	
	B5	MARCATILI, E. A. J.; DIELECTRIC RECTANGULAR WAVEGUIDE AND DIRECTIONAL COUPLER FOR INTEGRATED OPTICS; The Bell System Technical Journal; Volume 48; September 1969; pp. 2071-2102	
	B6	TENG et al.; SIMPLE REFLECTION TECHNIQUE FOR MEASURING THE ELECTRO-OPTIC COEFFICIENT OF POLED POLYMERS; Appl. Phys. Lett.; Volume 56, No. 18; April 30, 1990; pp. 1734-1736	

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